

FILED**UNITED STATES DISTRICT COURT****April 13, 2022**CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

for the

Western District of TexasBY: Jackson
DEPUTYUnited States of America
v.

Case No. SA:22-MJ-00530

DAMIEN ISALIAH MERMELLA*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 13, 2022 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 922(n)

Receipt of a firearm by someone under indictment

18 U.S.C. § 922(o)

Possession of a machine gun

Penalties: Up to 5 Years Imprisonment, \$250,000 Fine, 3 Years
Supervised Release, \$100 Mandatory Special Assessment.Up to 10 Years Imprisonment, \$250,000 Fine, 3 Years Supervised
Release, \$100 Mandatory Special Assessment.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.**KAITLIN O'CONNELL** Digitally signed by KAITLIN O'CONNELL
Date: 2022 04 13 10:41:50 -05'00'*Complainant's signature***Special Agent Kaitlin O'Connell, ATF***Printed name and title*☐ Sworn to before me and signed in my presence.☒ Sworn to telephonically and signed electronically.Date: April 13, 2022City and state: San Antonio, Texas
*Judge's signature***ELIZABETH S. CHESTNEY, US MAGISTRATE JUDGE***Printed name and title*

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Kaitlin O'Connell, being duly sworn do hereby depose and state:

1. Your affiant is currently employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since January 2015. Since January 2015, your affiant has participated in investigations concerning violations of Title 18.
2. On April 13, 2022, Drug Enforcement Administration (DEA), Bexar County Sheriff's Office (BCSO), San Antonio Police Department (SAPD), and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) executed a federal search warrant for the residence of 306 La Gloria Street, San Antonio, Texas reference narcotics and firearm violations being committed at this residence. Once inside the residence, **DAMIEN ISIAH MERMELLA** was detained without incident. As a result, **Mermella** was found to be in possession of multiple firearms, including machineguns.
3. Once the residence was secure, the search warrant was executed and as a result the following items were located in the possession of Mermella:
 - Glock, model 23 Gen 4, .40 caliber pistol, SN: YMU111, with a "machine gun conversion switch" attached, loaded with 20 rounds of ammunition in the magazine, including one in the chamber, located on the bed of the front right bedroom
 - Brown colored, Glock, unknown model, 9mm caliber pistol, SN: BNAS553 with a "machine gun conversion switch" attached, loaded with 21 rounds of ammunition in the magazine, including one in the chamber, was located on the back driver's side seat of the silver BMV parked in the driveway
 - Black and Blue colored, Springfield Armory, model Saint, multi caliber pistol, SN: ST217509, loaded with 21 rounds of ammunition in the magazine, located in the hallway.

Additional firearms, ammunition, U.S. Currency, marijuana, scales, and cell phones were also seized.

4. After receiving and acknowledging his Miranda Warnings by SAPD, ATF Agent O'Connell interviewed **Mermella**. He stated he had been residing at the listed address for approximately two weeks, and stated the house belonged to his mother. He stated he had two pistols, with "switches". *The sole purpose of the conversion switches is to make a semi-automatic firearm, a machine gun.* Mermella stated he knew the firearms were machine guns, stating one was 'broken'. He stated he purchased the firearms with the 'switches' already attached to the firearms. SA O'Connell took, and showed photographs of the

firearms listed to Mermella, he stated the firearms were his. He stated he purchased the two Glock pistols with the 'switches' approximately two weeks ago (*post state indictment*) for \$600 each. He stated he purchased the blue and black AR style pistol approximately last summer for approximately \$800. He stated the silver BMW in the driveway belonged to him, but stated it is registered a family member. He stated he knows he is not allowed to possess firearms due to a previous arrest and was on probation.

5. An ATF Interstate Nexus examination of the Glock, model 23 Gen 4, .40 caliber pistol, SN: YMUI111, Glock, unknown model, 9mm caliber pistol, SN: BNAS553, and the Springfield Armory model Saint, multi caliber pistol, SN:ST217509 reveals they were not manufactured in the State of Texas, and therefore traveled in interstate and foreign commerce.
6. Mermella is currently under felony indictment for Unauthorized Use of a Vehicle. Mermella was indicated on November 16, 2021, and received deferred adjudication through February 7, 2024, in Bexar County, Texas under Cause Number 2021CR10421.

Based on the above facts, your affiant believes that there is probable cause that **Damien Isaiah Mermella** knowingly committed the offense of receiving of a firearm while under indictment, in violation of 18 U.S.C. § 922(n) and possession of a machine gun in violation of 18 U.S.C. § 922(o).

KAITLIN
O'CONNELL

Digitally signed by KAITLIN
O'CONNELL
Date: 2022.04.13 10:42:10 -05'00'

Special Agent Kaitlin O'Connell
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Sworn to telephonically and signed electronically on April 13, 2022.


ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE